THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO:24635 of 2005

Dated: 20-03-2006

Between:

Aireddy Mahender Reddy

..... PETITIONER

AND

Ganga Tirupathi and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

–

WRIT PETITION NO : 24635 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the order dated 14-11-2005 in I.A.No.89 of 2005 in O.P.No.44 of 2005 passed by the Andhra Pradesh Co-

operative Tribunal, Warangal, is arbitrary and illegal.

The facts, in brief, may be narrated as under:

The elections to the Managing Committee of the third respondent society were held on 22-10-2005. The petitioner contested from 8th ward and was elected as a member of the Managing Committee. Subsequently, in the elections held on 23-10-2005 to the office bearers of the society, the petitioner was elected as President through secret ballet. While so, the first respondent herein who was an unsuccessful candidate from 6th ward filed O.P.No.44 of 2005 before the Andhra Pradesh Co-operative Tribunal, Warangal, questioning the election of the fourth respondent, who was elected as member of the Managing Committee from 6th ward alleging that he suffered a disqualification since he was suffering from leprosy. The petitioner herein who was elected from 8th ward and subsequently elected as President was also made a party to O.P.No.44 of 2005 though his election as committee member as well as the President of the society was not challenged. Along with O.P.No.44 of 2005, the first respondent also filed I.A.No.89 of 2005 seeking interim suspension of the election of the fourth respondent herein and the petitioner herein and consequently to restrain the petitioner herein from functioning as President of the society during the pendency of O.P.No.44 of 2005. The Tribunal below, by order dated 14-11-2005, granted ad-interim suspension of the election of the petitioner herein as President of the society apart from suspending election of the fourth respondent herein. Strangely, the Vice-President of the society was directed to act as President until further orders. Questioning the said order dated 14-11-2005 the present writ petition has been filed.

This Court, while directing Rule Nisi, by order dated 16-11-2005 in W.P.M.P.No.31669 of 2005, granted interim suspension of the impugned order dated 14-11-2005 in I.A.No.89 of 2005 in O.P.No.44 of 2005. By virtue of the said interim order, it is not in dispute that the petitioner as well as the fourth respondent are continuing in office.

The first respondent filed a counter affidavit and sought for vacating the interim order dated 16-11-2005.

Having heard the learned counsel for both the parties and having perused the

material on record, I do not find any justifiable reason to vacate the interim order dated
16-11-2005 at this stage.

That apart, since the main writ petition itself arises out of an interlocutory order passed by the Tribunal in O.P.No.44 of 2005 which remain suspended by virtue of the interim order granted by this Court, I am of the view that no further adjudication is necessary in the writ petition.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the Tribunal below to dispose of O.P.No.44 of 2005 in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. Till such time, the order in I.A.No.89 of 2005 shall remain suspended and the petitioner as well as the fourth respondent shall continue in office. No costs.

_____

G.ROHINI,J

Dated: 20-03-2006

Klp/ghn